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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,427	02/07/2002	David R. Hall	12843-002001	2926
26161	7590	07/27/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			PATEL, TAJASH D	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,427

Applicant(s)

HALL, DAVID R.

Examiner

Tejash D Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 26-30 is/are allowed.
6) ☒ Claim(s) 1-3, 8, 10, 14-16, 19, 20 and 23-25 is/are rejected.
7) ☒ Claim(s) 4-7, 9, 11-13, 17, 18, 21 and 22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-3, 8, 10, 11, 14, 16, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Anscher (US 5,564,131)

Anscher discloses an apparatus (1) including a harness (10) being worn on the upper part of the body which supports a lower body worn garment (5), having a first piece of a detachable connector (3) that is configured to be attachable and detachable from a second piece of the detachable connector (2), col. 2, line 48 – col. 3, line 39 and as shown in figures 3 and 4.

With regard to claims 2 and 10, the conventional harness is defined as first and second straps each having front and rear ends with an intermediate portion therebetween as shown in figure 1.

With regard to claim 3, the front end of the first strap is adjustably connected to the first piece of the detachable connectors by a conventional buckle as illustrated in figure 1.

With regard to claim 4, the harness includes a first piece (7) of a second detachable connector (4) as shown in figure 4.

With regard to claim 11, the front ends of the first and second straps are each adjustably connected to the first and second piece of the detachable connectors, respectively, as illustrated in figure 1.

With regard to claims 20 and 23, the apparatus as described above also includes a clothing fixture (4) defining a fabric lower edge that is sewn (6) by being attached to an item of clothing (5) as shown in figure 4.

Furthermore, with regard to claims 14 and 16, the intermediate portions of the first and second straps are configured to cross behind the user and are permanently connected as shown in figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher.

With regard to claim 19, it would have been obvious to one skilled in the art to form the straps of Anscher from any desired material which was available at the time the device was constructed.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher in view of Pearson et al. (US 5,497,923). Anscher discloses the invention as set forth above except for showing the intermediate portions of the first and second straps being slidably connected.

Pearson et al. (hereinafter Pearson) discloses an apparatus including intermediate portions of first and second straps (34,36) being slidably connected as shown in figure 4.

It would have been obvious to one skilled in the art at the time the invention was made to form the intermediate portions of the first and second straps of Anscher to be slidably connected as taught by Pearson. Doing so, would allow the apparatus to articulate with respect to the upper body when worn.

6. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher in view of Schirmer et al. (US 179,355).

Anscher discloses the invention as set forth above except for showing the clothing fixture being connected by first and second straps.

Schirmir el al (hereinafter Schirmir) discloses an apparatus including a clothing fixture being connected by first and second straps (A) as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to substitute the clothing fixture of Anscher with a fixture having first and second

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straps as taught by Schirmir as an alternative but equivalent means of supporting a lower worn body garment.

Allowable Subject Matter

7. Claims 4-7, 9, 11-13, 17-18, and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 is allowable because the prior art does not teach or suggest the recitation therein including a chest protector having each of the raised impact surfaces with a downward deflecting angled surface between upper and lower portions thereof.

8. Claims 26-30 are allowable because the prior art does not teach or suggest the recitation therein including a method of removably attaching upper and lower ends of a connector to a harness and a pair of pants, respectively in combination a layer of clothing is worn over the harness, such that the upper end of the connector from the harness is released without removing the layer of clothing.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (703) 306-9184. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

July 21, 2004

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal line extending to the right.

**TEJASH PATEL
PRIMARY EXAMINER**